

James Bane, P.E.

804 SW 2<sup>nd</sup> ST

Stuart, IA 50250

February 1, 2021

The Honorable Leonard T. Strand

Chief United States District Court Judge

Your Honor,

I am Jim Bane P.E. Iowa DOT District 4 Maintenance Manager Southwest Iowa (retired). I was in that position for 20 years with duties that included supervision and hiring and as expected had to evaluate the character and actions of many people. I am writing this letter to provide a character reference for Jay Niday. I provide this letter in full knowledge of the charges.

I have known Mr. Niday very well and have been very good friends for over 45 years. In that time he has been what I would refer to as a "stand up person" of solid character and one that I considered an additional role model for my son, now grown. One example of his character occurred when an acquaintance was fishing with Jay and I when we ate a restaurant in Missouri and after the meal "Jack" met us outside saying he used his "dine and dash card". Jay chewed him out and made him go back inside to pay and apologize.

A different example of character was a friend of mine had been seriously injured with a broken neck in an accident and was to have serious limitations on his mobility for several months. Jay and "Allen" were new acquaintances yet when I said I was going to purchase a Playstation as a gift for "Allen" so he would have something to keep his mind busy and Jay volunteered to split the cost.

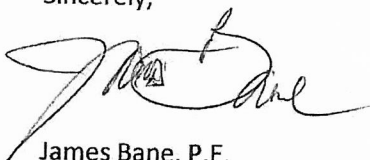
Another example was again in Missouri driving at night and came across a car that had gone off the road down an embankment and smashed into a tree. Not knowing what had occurred Jay dashed over to render aid to the occupants. Fortunately no one was in the vehicle but Jay did not know that.

Whenever I have needed assistance or guidance in any endeavor or project Jay has graciously responded. At all times he has been honest in his dealing with me and any person or business that I am or have been associated with.

The incident Jay is charged with does not fit the character of the man I know. I believe he is accepting his responsibility as a manager for an incident that occurred under his watch. That would fit the man I know. What may not be known by the court is Jay has already paid a significant financial cost for this incident due to being forced to resign the position he accepted with Tyson Foods 18 months ago which was paying a six figure income. When he accepted the Tyson job he confided in me his plan was to work with Tyson until he was 70 so he could recover his retirement funds.

That is a heavy price to pay.

Sincerely,



James Bane, P.E.

